1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

happens that a man impregnates an unmarried girl and he is then expected to marry her. The girl's kinsmen may raid his kraal and seize some of his cattle, but he will try to circumvent this by hiding his beasts in the kraals of relatives and neighbours. If later he marries the girl the cattle her kinsmen have seized count as part of the bride-wealth, and if he refuses to marry her they count as payment for possession of the child, so that in either case he pays no indemnity but only a fee to establish his rights. Here again, in point of fact, it is very difficult for the girl's brothers to seize the man's cattle, unless he is willing to let them do so, and there is always the risk of a fight which may become general. One does not fornicate with the girls of one's own village, for they are generally related to one, so that when an issue of the kind arises it is generally between persons of different villages of the same district. If the young man can avoid being hit over the head with a club at the time of the incident and keeps clear of the girl's village for a few months he is not likely to pay an indemnity or to suffer any other consequences. If he has put the girl in child he will, in normal circumstances, send a kinsman to say that he intends to marry her. The girl is then regarded as engaged and the young man becomes son-in-law to her parents and one does not injure one's son-in-law. Even if he refuses to marry their sister, the brothers hesitate to attack the father of her child.

It is possible to obtain from Nuer a list of compensations for injuries to the person: e.g. ten cattle for a broken leg or skull, ten cattle for the loss of an eye, two cattle for a girl's broken teeth, &c. For a flesh wound, however serious, there is no compensation unless the man dies. In different parts of Nuerland the number of cattle to be paid in compensation varies. I have not recorded any instance of a man receiving such compensation, except from a Government court, but Nuer say that he would receive it if his kinsmen were strong enough to retaliate.

It is alleged that, in the old days, if a man died of magic his kinsmen would try to slay the magician (*guan wal*), though I have not recorded a case of a magician having been killed. Nuer point out that a magician does not use his magic against persons in his own community but only against persons of other villages, so that it is not easy to revenge yourself on him since he will be supported by his village who regard powerful magic as of value to their community. It is also said that in the old days a witch (*pelh*) was sometimes slain, though I cannot say how often, if at all, this occurred.

Many disputes arise about bride-wealth: the husband's people do not pay what they have promised or there is a divorce and the

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

Dinka in the Category of Slaves

Nuer distinguished between what they called *jaang ciang* and *jaang dhor*. *Jaang dhor* (literally, 'outside Dinka') were Dinka who had no connexion with Nuer and did not live among them. Scales of compensation, which varied according to the tribe, probably depended on their past relations with Dinka with whom their boundaries marched. A scale of compensation was recognized, although this does not mean that compensation was often paid. *Jaang ciang* (literally, 'home Dinka') meant those Dinka who had taken up residence with Nuer, associating themselves with some Nuer lineage and ultimately identifying themselves with it. Dinka recently arrived, and living thus in Nuerland, received compensation at a much lower rate—the scale varying from tribe to tribe. Dinka born in Nuer country and adopted, i.e. in the second generation, were usually treated as pure Nuer. In this connexion it must be remembered that adopted Dinka did not necessarily suffer social or political disabilities and often attained positions of great prominence among the Nuer. Deng Likea, a Dinka of Ngok extraction, became the acknowledged leader of Bor Gaawar through his spiritual powers, and his descendants are still the most important people there; Nuar Mer, an adopted son of Mer Teng Kerfeil, whose real name was Nuar Bul and who was of Dinka extraction, attached himself to the powerful Teng Kerfeil section of Rath Gaawar and gained great power through his treacherous alliance with Arab slave raiders. There are other notable examples. Dinka captured in war were not slaves in the usual sense of the word and were soon assimilated into Nuer society; their descendants, after a generation or two, would trace a fictitious descent relationship to a common ancestor through the lineage of the man who adopted them.

Witches, Ghouls, and Anti-social Persons

For killing a person believed to be *peth*—one who possessed the evil eye—Nuer say that compensation was six head of cattle only. For a *rodh*, a ghoul who performed unnatural rites with the bodies and graves of the dead, no compensation was paid at all if, in killing him, only sticks were used and he was not hit on the head.[1] There are also instances in tradition of witches, *gwan wal* (owners of medicines), *let* (werewolves) and the like, being done to death by general consent of the community and no compensation being demanded.

I know of no recorded instance where a Nuer court has had to deal with a situation of this sort, and it is a matter of tradition rather than the present administration of Nuer customary law. This is true also of the distinction between Nuer and Dinka, for no such

[1] The subject of witches and other anti-social persons is discussed more fully in Chapter V. See Howell and Lewis, 'Nuer Ghouls: a Form of Witchcraft', *S.N.R.*, 1947.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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differentiation is held valid nowadays. Yet the tradition is strong, and quoted consistently by nearly all Nuer tribes.

Uninitiated Boys

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Among the Zeraf Nuer no distinction was made between those having manhood status and uninitiated boys. An uninitiated boy (*dhol*) was held fully responsible for his actions and his kinsmen were bound to assist him. Likewise the killing of an uninitiated boy demanded full rates of compensation. Boys who had not reached the status of warrior, however, were not expected to fight in a serious manner, and it was unlikely that an adult would kill a boy except by accident.

In Western Nuer some distinction seems to have been made even in the past. Writing in 1936, Captain H. A. Romilly records:

> Some doubt still exists about blood-money to be paid when 'ungarred' boys are killed.[1] The new decision in 1936 is: 'ungarred' boys killed by accident: 10 head of cattle; 'ungarred' boys killed on purpose: 20 head of cattle.[2]

It is difficult to say whether these fine distinctions are traditional or the result of past settlements in which the Government had a hand. It is, however, safe to say that theoretically full compensation would be demanded but would probably not be paid, as a compromise was more likely.

This matter was raised at the Nuer Chiefs' Council of 1945, but the only decision reached concerned the killing (usually accidental) of uninitiated boys by uninitiated boys (a fairly common occurrence in Nuerland). The indemnity for intentional killing was set at 20 head of cattle (i.e. half the full indemnity); for accidental killing, 10 head of cattle.

Compensation for the Death of a Woman

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Nuer do not, of course, kill women in pursuance of a feud, though a feud might follow from the killing of a woman. Compensation is demanded in full; there is no distinction between the sexes. For an unmarried girl compensation should be paid to her family. For a legally married woman it should be paid to her husband. If he has paid only part of the bridewealth for his wife, compensation will still be paid to him, but some of the cattle will be demanded by the woman's family. He will be expected to hand over to them all cattle with the exception of a number directly proportionate to the number paid by him as bridewealth. The principle of compensation carried to its logical conclusion means that a man does not pay compensation

[1] 'Ungarred', 'uninitiated', from the Nuer *gar* to cut the forehead at initiation. Full compensation in that area was then 40 head of cattle.
[2] From unpublished administrative records.

6:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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Few disputes derived from religious situations appear before the tribunals established by the Government today except occasional accusations of witchcraft, or violent action against persons believed to be practising witchcraft, and the claims of religious experts for fees from their clients. Before turning to these matters, however, I propose to consider two aspects of Nuer religious belief which are relevant to a study of their customary law. The first aspect is the part which is played by religion as a sanction for the fulfilment of obligations towards kinsmen and to Nuer as a whole, and as a deterrent against breaches of recognized behaviour. The second aspect concerns the part played by religious functionaries in connexion with legal processes. This aspect has been discussed at some length both in the introductory chapter and in the chapter on homicide, but mainly in connexion with the Leopard-Skin Chief. More must be said of other experts who have specific functions to perform.

Religious Sanctions and Legal Processes

Religious sanctions for the operation of accepted rules of conduct have already been mentioned in connexion with homicide and the spilling of blood. We have seen too that in certain offences concerning women there is a sense not only of a secular wrong but also of sin which must be expiated by ritual observance.

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It is clear, however, that religious concepts do not provide a deterrent; a man is not deterred from killing another simply because he fears spiritual contamination or the pollution of those with whom he is associated. He might do so were there no definite means by which he can remove the danger, but the means exist. What he and his kinsmen fear is the voluntary, or more probably involuntary, breach of observance which will bring them disaster in the form of natural disease (*nueer*) or of sterility among themselves and their cattle. Religion among the Nuer is therefore not so much a deterrent to homicide as a sanction for carrying out accepted modes of behaviour after the event. It is further a sanction for the immediate confession of homicide, and this is why the Nuer rarely if ever attempt to conceal their guilt. The dangers of concealing an act of homicide are expressed in the concept of *loic*.[1] When a man fails to confess, there is a graver disruption of equilibrium; both his own kin and those of his victim run into the danger of involuntarily breaking the taboos on social contact, and consequently an incident of this sort may demand a higher rate of compensation if peace is to be restored.

There appears to be no formal reaction on the part of the community as a whole to an act of homicide, nor any general expression of reprobation. The killer is not thought of as an evil-doer because of his

[1] See p. 52.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

791 fertility. Moreover it is clear that those of the second category who acquire great prestige and influence often seek to misappropriate the functions and insignia of more reputable experts. There is a tendency to assume the leopard-skin. Deng Likra, Prophet of Gaawar, did so, and his son Gaw Bang—for many years President of the Bar Gaawar Court—often conducted the ritual of homicide although he had no traditional right to do so. Riak Loinyjok (mentioned above) wears the leopard-skin, though he would not be accepted as arbiter in blood-feuds. There is clearly a desire by these people to establish themselves in a ritual and traditional, and therefore more orthodox, status in society.

A *guan kuoth* of repute will also claim that he possesses or is possessed by a large number of different spirits, not a single spirit. Deng Likra, whose principal spirit was called Diu, possessed many others, and he married a wife in the name of each. His sons are usually referred [551] to first by their own names and then by the name of the spirit in whose name the mother of each was married, and not by that of their father, according to normal Nuer custom. Thus Deng Likra's sons were called Macar Diu, Gaw Bang, and so on.

There is a large number of different categories of spirit owners: owners of 'sky-spirits' (*kuth mial*), owners of 'spirits' of the wind (*kuth dangv*), owners of 'earth spirits' (*kuth piny*) and 'talking medicines', these last being divided into a large variety of different forms, and finally, possessors of *wal*, medicine, which is usually present in more tangible form.

It is not within the scope of this book to describe at length the multitudinous concepts concerning *goak* and *kolangwi*. *Goak* is said to be of Dinka origin, while *kolangwi* are essentially Nuer. Under these two main headings are numerous spirits which have special names—*biel*, *maluth*, *gulang*, *mathiang*, &c.,—and special characteristics. The spirits are used to assist in the diagnosis of ills and misfortunes, the possessor acting as a medium and often going into a trance at a seance attended by a considerable number of people. The spirit is said to speak from the mouth of the medium, from a special pot or gourd, from the ground, or sometimes only through dreams.

789 *Wal* is a word which has the more literal meaning of medicine, since it is also applied to herbs, purges, and astringents as well as nowadays 754 to medicines supplied by the government medical service. In this connexion it refers to magic roots and sometimes to other objects which have intrinsic magical power and which are operated by the performance of ritual for some specific purpose. There are different forms of *wal* (one called *nyeth*, for example, is believed to be particularly potent and also dangerous), but the Nuer do not consider themselves to be experts in their use, and regard them as being of foreign origin. In fact such roots are usually obtained from other tribes, and a Nuer will sometimes go on a special journey to purchase them.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

They can be and are used for beneficial purposes, but they are associated more often with the practice of witchcraft, and owners of such medicines are often greatly feared. This fear has perhaps been particularly impressed on the Nuer by the action of the Government in banning the possession of roots or medicines and inflicting severe penalties on their owners, whether they were believed to use them for good magic or for witchcraft. This reaction has not applied so much to the ownership of spirit medicines, presumably because, being for the most part entirely incorporeal, there was no proof of possession, and Government intervention was therefore much more difficult. Spirit medicines, *Anlongwi* and the like, can none the less be used for anti-social purposes, although they are normally regarded as beneficent and used as such.

A further category of Nuer magic experts is the *tiet*, who have special powers of divination,[1] but their techniques are not usually dependent on a particular spirit manifestation or on possession of a medicine. Their methods are more mundane in character, for they often use cowrie shells or pebbles, which are cast on the ground, and an interpretation is given of the formation in which they fall.

Beneficial and Anti-social Activities

We see, therefore, that the functions of all these experts are generally considered to be beneficial; those of the *ji tiaar* to the people as a whole; those of other experts or possessors of spirits and medicines to their individual clients. Their power can, however, be used for purely anti-social purposes. The *ji tiaar* have the power to curse by invoking the element or object with which they are particularly associated. We have seen that the Leopard-Skin Chief may call a curse upon those who refuse to listen to his exhortations in connexion with blood-feuds and homicide,[2] but he is not expected to do so for his own benefit or from personal animosity. Similarly the *wut ghok*, who has the power to benefit the people by ensuring the good health and fertility of their cattle, can also curse their cattle. Yet none of these religious functionaries can be regarded

[1] *Tiet*: a common Nilotic word used to cover a very large variety of magical experts.

[2] In connexion with warfare and cattle raids they are expected to work magic against other tribes; to make the infliction of wounds upon them easy; to destroy or weaken their defences. This is not witchcraft so far as the Nuer are concerned, for their action is pro-Nuer and to them in no sense anti-social. The definition of witchcraft is here relative. It will also apply to cases of warfare against other Nuer tribes or even tribal segments. An expert who performs ritual to bring about the downfall of enemies in another tribal section is acting in the interests of his own tribal section. His action is beneficial magic to his own people, black magic to those of the opposing segment, and there is no formalized community to which both belong and which would consciously react against his performance. His action is not witchcraft in the more exact definition of the term. Nefarious practices against an individual or even a kinship group within the community are a different matter, because there is a body of collective opinion which considers such action anti-social and, as we shall see in the next section, is prepared to take collective steps to remove the danger.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

as a sorcerer or witch in normal circumstances. Similarly, other categories of magicians and spirit-owners are generally expected to act in the interests of their clients, although in some cases the client may, by paying a fee, gain the assistance of one of them to work witchcraft against his private enemy. Some spirit-owners have an unsavoury reputation in Nuerland. There are, however, persons whose activities are considered entirely anti-social, and who thus fall into the category of witches, whatever the circumstances.

Witchcraft

Apart from *gwan mal* or owners of medicines who have acquired an evil reputation, witches are possessors of the evil eye, called *puth* in Nuer, who are believed to cause harm and even death to those who cross their path in anger, and sometimes without any motive at all other than the inherent evil of their personalities. The *ruth* or ghoul is also a kind of witch who is particularly associated with the performance of hideous rites upon the bodies of the newly dead, thereby gaining some control over the souls of their surviving relatives.[1]

In the common action of the community against witchcraft we find perhaps the only conception among the Nuer which even approaches the notion of criminal or public law. Nuer say that in the past witches of these kinds were often killed with at least the tacit consent of the whole community to which they belonged. There are, however, no authenticated cases on record. The *ruth* might be killed with impunity, provided that blood was not spilt and no injuries to his head were inflicted by his assailants. The *puth* might be killed without grave danger of retaliation and, if composition was demanded, only six head of cattle need be paid to the kinsmen. It is doubtful if anything was paid in such circumstances. Accusations of the evil eye are fairly common today, but I have no details of the possessors being killed in the past.

It is worth adding that among many primitive peoples unnatural offences and bestiality are treated as public delicts and punished by ostracism, exile, or even death. Such offences are conspicuous by their absence among the Nuer. During several years in Nuerland I only heard of one actual instance. This occurred in Gaawar country, where a headman of considerable standing admitted such an offence with a cow. This was regarded as a grave misfortune, though the reaction was one of pity for the culprit rather than indignation. It was held that both he and the cow would die. As an act of expiation he cut off one of his own fingers with a spear and, accompanied by sacrifice, this was considered an effective antidote. In the absence

[1] See Howell and B. A. Lewis, 'Nuer Ghouls, a Form of Witchcraft', *S.N.R.*, 1947.

6;Howell E, G-5 (1942-1964)1954
FJ22 Nuer FJ22

of further evidence it is not possible to expand on this subject. Nuer simply say that a man who commits such an offence will surely die. The ritual sanctions must be very effective.

Actions against Witches Today

In all cases of accusations of witchcraft appearing before modern Nuer courts of which I have any record, the accused was submitted to searching examination and evidence of a sort was taken. The facts seemed hard to prove, but by reference to the character of the accused (anything in the nature of incessant ill-temper, shrewishness, and general unpopularity backed by definite instances of misfortune among the accusers), the members of the court usually came to a decision. The matter was not treated lightly, and it is a fact that the large majority of such cases were dismissed as frivolous, and in some instances the plaintiff was punished for false accusation (*lerjok*)[1]. Sentences of imprisonment were sometimes inflicted, in most instances on women who were suffering ill-treatment from their neighbours and would be better out of the way for a while. Imprisonment, an idea entirely alien to the Nuer, somehow acted as a form of expiation or purification, and I have noted that in nearly all cases the woman went back to live unmolested among her neighbours.

Oaths

In connexion with Nuer religious beliefs which have bearing on the study of law and the procedure of courts today, oaths must be mentioned. The ceremony is usually performed by the Leopard-Skin Chief, who is called in for this purpose. There are two common forms of oath, the first called *kueng*, *kuil*, or *kap tang* ('to hold the spear-shaft'), which is used in a variety of circumstances, while *math* (literally, 'to drink') is the form often employed in cases of unconfessed homicide. The taking of an oath is not an individual process carried out by one man alone. In the former ceremony both accuser and accused are expected to take part, and it amounts to something of an ordeal between them; in the latter, where there is no known accused, those suspected and all their kinsmen are expected to participate.

It should be noted that the use of such oaths, especially in court, is not encouraged by the Government. Moreover, although the participants are often willing enough, the onlookers are afraid for them and nearly always persuade them to take some other course. Nuer chiefs and court members frown on the practice for this reason and not only because they know that the procedure is not in keeping with Government policy.

[1] See p. 70.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

As one is finished another boy is called until all lie there, still and bleeding. Usually everything is very quiet when the actual cutting is going on, the only sound heard being the grating of the knife upon the bone. 831 804

The boy lies there until the bleeding has stopped, then he is helped into the house. He crawls into the house on his hands and feet, but with his back next to the ground and tries to hold his head and body in a horizontal position. The man who cuts these tribal marks is supposed to stay for a while if he can, in case there should be haemorrhage.

If there should be haemorrhage, pressure and the application of cow-manure ash is tried to relieve it. Also fear is expressed that some one with the evil eye must have seen the boy or else there would have been no haemorrhage. [752] [754]

Soon after the tribal marks are cut a sheep is sacrificed in order to insure safe healing of the cuts. A little later a mock fight is staged between the men and the women of the village in which the women are allowed to use clubs, but the men must defend themselves bare-handed.

The boy is carefully guarded against the evil eye. He wears a piece of sheepskin over his head, this piece of sheepskin usually being one part, the back section, of a married woman's garb which has been given for this purpose. No one is supposed to view the cuts until they are healed, but the boy usually gives some trusted friend an opportunity to see them.

After some days the cuts are washed, but not immediately, for the clotted blood is left undisturbed for some time.

The boy usually carries a large cluster of feathers as a fan in order to keep the flies away from his head.

He is the centre of attraction at his village now. All visitors to the village are met at a little distance and their

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

753 Sometimes if the mission clinic is near they hurry there at once for relief. At other times the usual form of relief is sought—a sacrifice must be offered so that the child may not be further harmed by the errant stranger.

751 An anklet or wristlet made of large wooden beads of a 793 certain kind of wood will protect from cuts from grass, but a man whose wife is pregnant may wear either anklet or wristlet made of red and white or black and white beads in order to accomplish the same purpose.

789 The Nuer fears a curse. Indeed, many a mysterious, inexplicable wasting away has been caused by this deep-rooted fear.

A bunch of a certain kind of grass standing up in the yard near the door will keep harm away from any sick person within.

754 The evil eye is much feared. There seems to be no definite idea as to who has this evil eye. Every one but one's own relatives must be suspected of it until one is sure that they do not possess it. The evil eye is supposed to harm whatever it sees, if it be a sick person, a sore, or even a new-born baby.

The disease becomes worse, the sore refuses to heal. All such misfortunes are attributed to the influence of the evil eye.

Patients who have ulcers to be dressed at the clinic are anxious that there be no onlookers when the sores are uncovered.

When a scar is healed but the scar tissue remains red, they plead piteously for a bandage so that they may keep it protected from the evil eye.

NUER LAW AND THE MORAL CODE

000 It is needless to say that Nuer law and their moral code are entirely different from that of our western world.

721 grain supplies, women and so forth, but it has been suggested that war between the two groups is a structural relationship.(1) The Nuer have incorporated a considerable area of Dinkaland into their own territories and have also absorbed the Dinka population: the result has been fusion and not a class structure.(2)

THE NATURE OF LAW AMONG THE NUER

The settlement of feuds is effected only when both parties to a dispute are willing to come to an agreement and apply to the leopard-skin chief as mediator. He hears the matter discussed by both sides, and then gives his opinion, which is accepted as a verdict if both parties agree to it. He cannot order a discussion or compel either party to accept a decision. Compensation in cattle, according to a recognised scale, is paid for homicide, adultery, fornication and physical injury.

●754 Sorcerers are killed by individuals or groups; it does not appear that any actions are regarded as injurious to the whole community.

671 Law is relative to the positions of the parties in the social structure, and to the distance between them in the kinship, lineage, age-set and political systems. The more widely separated are the two parties to a dispute the weaker is the obligation to settle it and the more difficult the task of enforcing settlement. Unless a man resorts to self-help and is backed by powerful kinsmen and by public opinion, he has little chance of redress. Traditional modes of settling disputes, a recognition of a notion of right *(cuong)* and the acknowledgment of certain scales of compensation, form the basis of Nuer law.

RECOGNISED SOCIAL FIGURES AMONG THE NUER

The Leopard-Skin Chief (kuaar muon)

791 He is a sacred person and is believed to have a mystical association
624 with the earth which gives him certain ritual powers to bless or curse it. His acts are mainly of a ritual nature and he has no great political authority, though some importance attaches to him since relations between groups are regulated through him;(3) his powers do not, however, normally extend beyond a tribal section. He functions are as follows:-

(a) His intervention is necessary in settling feuds and disputes. Leopard-skin chiefs sometimes prevent fights between two communities by running between the two opposing forces, hoeing up earth here and there. Probably this can only be done when the majority on both sides is unwilling to come to blows.

(b) He performs ritual to cleanse those who have broken incest rules.

(c) He has slight rain-making powers.

(1) Evans-Pritchard, *The Nuer*, 1940, p.131.
(2) *Ibid.*, p.125. (3) *Ibid.*, p.176.

791 In certain parts of Nuerland, land experts and prophets claim to be able to produce rain. In certain areas, the leopard-skin chief acts as rain-maker. The title *gwan pini* (owner of water) is given to any ritual specialist who has powers in connection with rain and floods.

The Tiet

The Nuer distinguish clearly between the prophet *(guk)* and the specialist in magic *(tiet)*. The former relies on the sky spirit which possesses and indwells him; the latter relies on various magical substances and actions. The *tiet* has a minor earth spirit, such as a totem spirit. A *tiet* is always a local specialist practising in his own community only, though a magician who possesses powerful magic *(gwan wal)* may become well known and be recognised by a whole district. All these spirits come under the general category of *kwoth* but(1) three main classes may be distinguished:

1. *Guk.* The prophet in whom a sky spirit dwells.

2. *Tiet.* A specialist in magic, acting as leech and diviner.

3. *Gwan Wal.* These are of two types: one using ordinary medicines *(wal)*; another using 'talking medicines'; the latter are owners of fetishes, since their medicines are inhabited by earth spirits known as *kulangni*.

The *tiet gweeni* (mussel shell diviner) answers questions put to him by throwing mussel shells on the convex surface of a gourd and divining from the positions into which they fall on the ground. Every mussel shell diviner has his *kwoth*, the spirit which assists him in his practice.

[755] The *Tiet Dala* cures headaches, recovers lost property, and performs magic to lessen the watchfulness of those who have stolen cattle so that the true owner may get them back again undetected. He also performs magic to ensure safe journeys and to protect warriors from danger. He possesses love magic. *Tiet me Ngwet (or Tiet Coli)* removes objects placed by a witch in a sick man's body.

There are also various other specialists(2) who treat barren women, important men and so forth.

NUER MEDICINES *(WAL)*

●754 Most of the Nuer medicines have been borrowed from neighbouring peoples, especially from the Dinka; the Nuer, however, endow them with spirits.(3) The most powerful medicines are *kulangni* (talking medicines). Although the earth spirits in the medicines cannot compete in power with the sky spirits, the people fear the owners of fetishes and respect them. In the past a fetish owner was in great danger of being killed by avengers. He was safe among his fellow villagers, for it was believed that a man would not harm a member of his own kin and community; but if a fetish

(1) Evans-Pritchard, *S.N.B.*, 1935, Vol.XVIII, pt.1, p.67.
(2) *Ibid.*, p.70, for fuller details on Nuer magical experts.
(3) *Ibid.*

owner killed a man of another district, he began a feud and was liable to be killed by the kin of his victim. It seems that fetish owners were treated differently in different areas. Many people possess medicines which protect them from fetishes. 754

Death may be due to one of three causes: *olic kwoth* (a sickness of god), sorcery and the evil eye, or sickness due to fetishes. This last is sudden and may kill a man quickly, whereas a sickness sent by god is usually prolonged.(1) A man believing himself to be ill on account of a fetish summons a fetish owner to discover whose fetish is responsible. When this is known a sacrifice is made to the fetish and its owner is asked to stop it troubling the sick man. 754 753

When a fetish owner dies, his medicines are preserved until his spirit enter into one of his descendants who will then become a fetish owner in his stead. A man may purchase a fetish from another; the medicine is only the habitation of the fetish spirits who exist apart from it. The Nuer believe that a fetish kills someone because its owner dislikes him. 754

The Nuer Ghoul

Many of the Nilotic tribes believe in ghouls who feed on the bodies of those recently dead. This belief is found among the Acholi, Anuak, Shilluk, Lango, Dinka and Nuer. The Nuer ghoul is called the *rodh* and is regarded with horror by the people. The practice of ghoulist activities is to some extent hereditary, for the potentiality is found in certain lineages, but a man may become a *rodh* even if he is not a member of such a lineage. Disinterment of the dead is regarded as his most horrible activity.

A *rodh* may be killed by common consent and, although no blood must be spilt, he may be beaten to death with sticks without fear of revenge. This is the only instance among the Nuer of killing which does not demand compensation or vengeance.

LIFE CYCLE

BIRTH

In childbirth a woman is attended by a female relative who is herself already a mother. The child's incisor teeth are removed at the age of eight years. 844 854 304

The birth of twins constitutes a danger to their family; special decorations are worn by the kinsmen, animals are sacrificed, and ritual prohibitions observed. As do other Nilotic groups, the Nuer believe that the parents are safe if the twins are of opposite sexes, for the boy will want to preserve his father and the girl her mother. In spite of the dangers, however, the Nuer are joyful at the birth of twins if they both live. Throughout life, twins are subject to certain ritual observances; before a twin can get married they must both together go through a fictional 845 582

(1) Evans-Pritchard, *S.N.B.*, 1935, p.74.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

these Sudanic medicines, which represent something quite alien to their traditional way of thinking, to their conception of Spirit.

The Nuer word for what I have called fetishes is *kulangni*, and they often use this plural form even when they are speaking of a particular fetish. They are what the Nuer call *wal*, a word which means in its widest sense 'plants' but in a special sense, as here, what are usually spoken of as 'medicines' in writings on African peoples—magical substances. The fetishes are so called because they are pieces of wood, though Nuer distinguish them from ordinary magical substances by calling them 'medicines which talk'. By this they mean that the spirits in them talk, because, here again, Nuer can conceive of the spirits as separate from the material substances in which they have their abode.[1] What has been said earlier about air-spirits and totemic spirits must be said also about nature sprites and fetishes. The same spirit is in a number of different luminescences or bundles of wood.

Like the nature sprites these fetishes bear some resemblance, especially in the manner by which men communicate with them, to the spirits of the air. Nuer have tried to assimilate them to an earlier model of Spirit, and this is indicated metaphorically by calling both types of spirits *gaatnyadeang*, children of daughter(s) of *deng*, a Nuer way of saying both that they are Dinka and that they are spirits of a very inferior order. There are quite a number of fetishes: *mathiang*, *ngo*, *macar*, *darguk*, *mabor*, *malual*, *maluil*, *maluth*, *goucien*, and others.[2] The names of several of those I have mentioned are colour-names: the white one, the black one, the brown one, &c.

Fetishes are amoral in their action. They are acquired in the first instance by purchase, though they may later be inherited,

Witchcraft', *Sudan Notes and Records*, 1923, pp. 113–14) in which he says that an Agar Dinka first got this kind of medicine from the Jur about the year 1902. Writing in 1923 he says 'To-day it is universally used throughout the entire Eastern and Rumbek District and many Dinka are enriching themselves by introducing it into the Nuer Country.'

[1] Capt. Fergusson (ibid., p. 112) also notes that the substance is 'merely a visible sign' of Spirit.

[2] Father Crazzolara (op. cit., p. 136) divides them into the *kulang* type, which speak through men, and the *gah* type, chthonic beings which speak from the earth. Dr. Howell (op. cit.) makes the same division, though he would agree with me that '*kulangni*' can be, and commonly is, used to cover both. I am ready to accept a formal division into these two types but I cannot agree with Dr. Howell's opinion that the *kulang* type is of Nuer, and the *gah* type of Dinka, origin. I am fully convinced that both are of foreign origin.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

for private ends and personal aggrandizement. They are highly dangerous, not only to those who are at enmity with their owners, but also to their owners' families, kin, and neighbours if they do not receive sufficient attention. When they seize people death follows rapidly on the first symptoms, which are said to be generally violent pains in the abdomen sometimes combined with blood in the faeces, unless steps are at once taken to appease them and, in the case of enemies, their owners also. Therefore a *gwan kulangni*, an owner of a fetish, whom I shall speak of as a wizard,[1] is much feared by those with whom he disputes and by those around him. Some wizards ape prophets by growing little beards and they sometimes thread beads on the hairs and can be identified by this mark.

I have only known one of these wizards, a man called Bul in Lou tribal country. I was living in his village, Kurmayom on the Sobat river, when he returned home with a fetish he had acquired on a visit to western Nuerland, it was said from the Jur people. The whole village was in a state of alarm, so much so that, finding my previously friendly relations with the villagers severed, I thought it best to leave it. A goat was sacrificed on his arrival and I was told that offerings of porridge, milk, and tobacco would have been placed on the ground near the fetish, which is said to 'eat' (*cam*) the 'souls' of these things (*tiethdien*), its owner later consuming their substance. Though everyone was nervous and anxious about what might happen, I was told on this and on other occasions that a man who has acquired a fetish may be welcomed in his village, its people feeling that, if it is placated, it may be a protection for them and a useful weapon against outsiders, and one hears men of the village speaking of '*waldan*', 'our fetish'; but none the less my impression was that they would much rather be without it.

A wizard uses his fetish to avenge what he regards as injuries (others may not regard them as such), to obtain cattle which he considers to be owing to him (others may not think so), and in general to make himself a person of importance. Nuer told me that European administration has made it easier for men to acquire and exercise these powers. They said that when fetishes

[1] They have a resemblance to the *ba'al ôb*, 'wizards that peep and mutter', of the Old Testament, the *ob* being a familiar spirit which seemed to speak either from beneath the ground or out of the stomach of the diviner, and to the Greek daemon (W. Robertson Smith, *The Prophets of Israel*, 1895 ed., pp. 202 and 421).

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

first appeared in Nuerland their owners ran the risk of being killed by avengers if it was thought that they had been responsible for people's deaths, and that therefore a man belonging to a numerically weak community would not own a fetish. It is sometimes known that a wizard has caused a man's death by his falling sick after a dispute with him. If, however, a man falls sick and only suspects that his sickness may be due to a fetish he confirms whether this is so by getting a diviner to reveal the cause, or he may summon a friendly wizard to determine it, and if it prove to be a fetish, which fetish. I have not seen this operation but I was told that the friendly wizard shakes a gourd-rattle while the people rock their bodies, clap their hands, and sing hymns to the fetish till the sick man enters into a dissociated state. The wizard then questions the spirit in the sick man and it reveals to him its name. The wizard also questions his own fetish-spirit, which is in the rattle during the seance and answers by grunts his questions about the sickness, such as what sacrifice is required and whether the patient will recover if it is made. The sickness may be caused by the fetish of a kinsman which wants attention, or it may be due to some wizard having pointed his *wal* in the sick man's direction to kill him. If the name of a fetish is not revealed by these procedures it is thought that the sickness must be due to some other cause and not to a fetish at all. If the responsible agent is found to be the fetish of a kinsman the sick man's family placate it by dedicating a beast to it and by sacrificing to it—'they send them (the *kulangni*) back (to where they came from) with a "cow"'. A little of the boiled meat of the sacrifice is minced and thrown as an offering to the spirit to the four points of the compass. The rest is divided between the wizard and the people of the home. If it is the fetish of an enemy, sacrifice is made, I believe to the fetish of the wizard who has conducted the seance, and afterwards he goes to the enemy wizard and asks him to desist. I was told that the enemy wizard may either deny responsibility or give some reason why he has pointed his fetish at the man who has fallen sick and promise that he will call it off if his wrong is set right. Should his victim die he must sacrifice a sheep or a goat, a rite known as *laka wangkien*, the washing of their (the fetish's) eye, and said to be equivalent to the rite of incising the arm of a homicide.

When a wizard dies his fetish is likely to be put aside, but if so,

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

it is expected that before long the spirit will seize a member of his family or kin, causing him sickness, and announce through his lips that it is offended at neglect. They then give it offerings of food and tobacco; and when the sick man has recovered he respects (*thek*) the fetish, as its previous owner did when he possessed it, and makes it offerings from time to time. Or a son, brother, or wife may just take over the dead man's fetish without it first causing sickness, but they are not likely to do this if they are young. Young people prefer to be free from such ambiguous encumbrances.

What I have recorded about these fetishes is no more than hearsay. It is possible, nevertheless, to reach some general conclusions about them and about the Nuer attitude towards them. It is easy to observe that Nuer feelings in the matter are either hostile or ambivalent. They fear and dislike the fetishes and are afraid even of those of their kin, perhaps most afraid of those; and they seem to be confused and bewildered about the whole question of fetishes. This is understandable in that here is something that has entered into Nuerland with the reputation of being mobile and of having lethal powers, attributes which the Nuer can only think of in terms of their own culture as Spirit in some form or other, and yet it is used for private ends that they regard with disfavour sufficient to consider that homicide caused by it requires vengeance. Those men with whom I was best acquainted among the eastern Nuer spoke harshly against these fetishes and would gladly have seen the end of them. I do not myself know the circumstances in western Nuerland, but Father Crazzolara says that there is much hostility to them there also, and also great confusion concerning them, for new fetishes frequently appear, they become well known in one district and are unknown in others, and they wax and wane in popularity.[1] We would doubtless be right in seeking for an explanation of the anxiety Nuer express lest their fetishes may turn on themselves and of their emphasis on the almost insatiable greed of fetishes for offerings, which are moreover of the lowest kind (such as porridge) and presented to them in the most materialistic way, in their perception that spiritual powers are being used for selfish ends. It would not be going beyond Nuer feelings on the matter to speak of their fetishes as evil spirits.

[1] Op. cit., pp. 133 seq.